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In re Application of	:	OFFICE OF PETITIONS
Benjamin et al.	:	
Application No. 10/827,135	:	DECISION ON PETITION
Filed: April 19, 2004	:	
Attorney Docket No. 200309237-1	:	

This is a decision on the petition filed August 16, 2004, requesting that the above-identified application be accorded a filing date of April 19, 2004, with Figure 11 described in the specification as part of the original disclosure.

On April 19, 2004, applicants filed the above-identified application. On July 30, 2004, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of April 19, 2004, and advising applicants that Figure 11 appeared to have been omitted.

In response, on August 16, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 9 sheets of drawings on April 19, 2004. Additionally, applicants submitted 9 sheets of drawings, including Figure 11.

Upon review of the record, Figure 11, deposited on April 19, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on April 19, 2004, included Figure 11, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Figure 11, was complete on filing and will be granted a filing date of April 19, 2004.

Accordingly, the petition is granted.

The Notice of Omitted Item(s) was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 08-2025.

The Office of Initial Patent Examination is directed to accorded the above-identified application a filing date of **April 19, 2004**, using Figures 1-10 submitted on that date and Figure 11 submitted on August 16, 2004.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

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